

Appl. No. : 10/695,399
Filed : October 27, 2003

REMARKS

The October 4, 2005 Office Action was based upon pending Claims 1-46. This Amendment amends Claims 1, 5, 9, 10, 13, 15, and 18 and cancels Claims 4, 12 and 19-46. Thus, after entry of this Amendment, Claims 1-3, 5-11 and 13-18 are pending and presented for further consideration.

Claim Rejections

The Office Action objected to Claims 4, 5, 12 and 13 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Office Action objected to Claims 9, 10, 15 and 18 for various informalities.

The Office Action also rejected Claims 1-3, 6-11 and 14-18 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,189,785 to Lowrey ("the Lowrey patent"), in view of U.S. Patent Application Publication No. 2004/0133516 to Buchanan, et al. ("the Buchanan publication").

Allowable Subject Matter - Claims 4, 5, 12 and 13

The Examiner stated that Claims 4-5 and 12-13 would be allowable if rewritten into independent form to include the limitations of the corresponding base claim and any intervening claims.

With this amendment, Applicant has rewritten Claim 1 by incorporating the limitations of Claim 4 therein. Thus, Applicant has cancelled Claim 4 and redrafted dependent Claim 5 to depend from Claim 1.

Applicant has also rewritten Claim 10 by incorporating the limitations of Claim 12 therein. Thus, Applicant has cancelled Claim 12 and redrafted dependent Claim 13 to depend from Claim 10.

Applicants respectfully submit that amended Claims 1, 4, 10 and 13 are now in condition for allowance.

With respect to the statement of reasons for allowance for Claims 4, 5, 12 and 13, Applicant desires to note that not all of the limitations of these claims are included in

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the statement of reasons for allowance and that it is the claim as a whole that is determined to be patentable and not any specific limitation. Applicant also respectfully disagrees with the reasons for allowance to the extent the language of the claims is paraphrased and not reproduced word for word in its entirety.

Objection to Claims 9, 10, 15 and 18 for Various Informalities

The Office Action objected to Claims 9, 10, 15 and 18 for various informalities. In response, Applicant has amended Claims 9, 10, 15 and 18 along the lines suggested by the Examiner and thus, Applicant respectfully requests allowance of Claims 9, 10, 15 and 18.

Rejection of Claims 1-3, 6-11 and 14-18 under 35 U.S.C. §103(a)

The Office Action rejected Claims 1-3, 6-11 and 14-18 under 35 U.S.C. §103(a) as being unpatentable over the Lowrey patent, in view of the Buchanan publication.

Independent Claim 1

While Applicant respectfully disagrees with the rejection as the cited references do not appear to disclose Applicant's claimed invention, Applicant has amended Claim 1 to substantially incorporate the limitations of objected to Claim 4. Accordingly, Applicant respectfully requests allowance of Claim 1.

Dependent Claims 2, 3 and 6-9

Claims 2, 3 and 6-9 which depend from Claim 1, are believed to be patentable for the same reasons articulated above with respect to Claim 1, and because of the additional features recited therein.

Independent Claim 10

While Applicant respectfully disagrees with the rejection as the cited references do not appear to disclose Applicant's claimed invention, Applicant has amended Claim 10 to substantially incorporate the limitations of objected to Claim 12. Accordingly, Applicant respectfully requests allowance of Claim 10.

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Dependent Claims 11 and 14-18

Claims 11 and 14-18 which depend from Claim 10, are believed to be patentable for the same reasons articulated above with respect to Claim 10, and because of the additional features recited therein.

Supplement Information Disclosure Statement

Submitted concurrently herewith is a Supplemental Information Disclosure Statement that cites new references and/or rejections which recently came to Applicant's attention in an Office Action for related U.S. Patent Application No. 10/695,401. A copy of this Office Action is available through the Patent Office database. If the Examiner so requests, Applicant will provide the Examiner with a copy of this Office Action.

Request For Telephone Interview

Pursuant to M.P.E.P. § 713.01, in order to expedite prosecution of this application, Applicant's undersigned attorney of record hereby formally requests a telephone interview with the Examiner as soon as the Examiner has considered the effect of the arguments presented above. Applicant's attorney can be reached at (949) 721-2998 or at the number listed below.

Conclusion

Although amendments and cancellations have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments and cancellations are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Furthermore, any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

Applicants have endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested.

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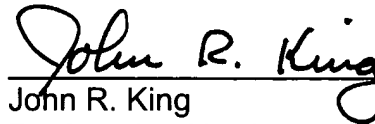
Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 12-22-05

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